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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,237	09/25/2006	Kenichi Oi	296758US3PCT	7376

22850 7590 09/26/2008  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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09/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,237	<b>Applicant(s)</b> OI, KENICHI	
	<b>Examiner</b> PHYLESHA DABNEY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/23/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the Application filed on 3 September 2008 in which claims 5-9 are pending, and claims 1-4 were cancelled.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bae et al (U.S. Patent No. 7,162,283).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Bae et al (U.S. Patent No. 7,162,283).

Regarding claim 5, Bae33 teaches a portable telephone (fig. 1) in which two bodies (10, 20) thereof are placed in superposed relation, and one body slides relative to the other body to change how far they superpose, thus expanding and contracting the overall length of the telephone in the sliding direction; and a rotation prevention mechanism (fig. 2; 202) configured to prevent the first and second bodies from rotating

with respect to each other, wherein one body can pull out relative to the other body with an area left where a part of one body is superposed on the other body in the extended state (fig. 2), wherein the rotation preventing mechanism is provided within the superposed area in the extended state as claimed.

Regarding claim 6, Bae teaches an apparatus (fig. 1) in which a first body and a second body (10, 20) are slidably superposed opposed to each other, the apparatus including a closed state in which opposite faces totally superpose each other and an opened state in which the opposite faces partially superpose each other, wherein a first slot (10, 10a) is formed in the first body and a first slide piece (20, 20a) is provided on the second body which is slidably engaged in the first slide slot, and a second slot (26) is formed on the second body and a second slide piece (30) is provided on the first body which is slidably engaged in the second slide slot within an area in which the first body and the second body are superposed in the opened state.

Regarding claim 7, Park teaches the portable telephone according to claim 6, wherein an engaging pawl (fig. 4) provided in one of the two bodies is slidably engaged with the other body within the superposed area in the extended state, and a sliding piece (fig. 4) provided in one of the two bodies is slidably engaged with the other body within the superposed area.

Regarding claim 8, Park teaches the portable telephone according to claim 7,

wherein an auxiliary concavity (26, the second of the pair of slots) is formed in a portion of one body having an operation plane exposed to outside the superposed area in the extended state, and an auxiliary convexity (38, the second of the pair of protrusions) engaging in the auxiliary concavity is formed in a portion of the other body to prevent the two bodies from relatively rotating with these auxiliary convexity and concavity engaged with each other.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim **9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Park.

Regarding claim 9, Bae does not teach specifics of the portable telephone according to claim 8, wherein a wiring member providing an electrical connection between the two bodies is received in the auxiliary concavity. However, the Examiner takes office notice that it is known to include a wiring member, i.e. printed circuit board, etc., in a portable telephone to provide an electrical connection, thus a complete circuit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wiring member in the portable telephone of Bae for the reason stated.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Monday through Thursday 9:00-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P O Box 1450  
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**Or faxed to:**

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**

Customer Service Window  
Randolph Building  
401 Dulany Street  
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 15, 2008

/PHYLESHA DABNEY/  
Examiner, Art Unit 2614

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

Original claims

5. A portable telephone in which two bodies thereof are placed in superposed relation, and one body slides relative to the other body to change how far they superpose, thus expanding and contracting the overall length of the telephone in the sliding direction, wherein one body can pull out relative to the other body with an area left where a part of one body is superposed on the other body in the extended state, a rotation preventing mechanism for preventing the two bodies from relatively rotating being intensively provided within the superposed area in the extended state, and wherein assuming the three-dimensional orthogonal coordinate axis where the sliding direction is defined as Y axis, the superposing direction as Z axis, and the direction orthogonal to the Y axis within a plane parallel to the superposed plane as X axis, the rotation preventing means comprises an X-axis rotation preventing means for preventing rotation on its axis; a Y-axis rotation preventing means for preventing rotation on its Y axis; and a Z-axis rotation preventing means for preventing rotation on its Z axis, each having an arrangement in which a concavity formed on one body and a convexity formed on the other body engage with each other.

6. An apparatus in which a first body and a second body are slidably superposed opposed to each other, the apparatus including a closed state in which opposite faces totally superpose each other and an opened state in which the opposite faces partially superpose each other, wherein a first slot is formed in the first body and a first slide piece is provided on the second body which is slidably engaged in the first slide slot, and a second slot is formed on the second body and a second slide piece is provided on the first body which is slidably engaged in the second slide slot within an area in which the first body and the second body are superposed in the opened state.

7. The portable telephone according to claim 6, wherein an engaging pawl provided in one of the two bodies is slidably engaged with the other body within the superposed area in the extended state, and a sliding piece provided in one of the two bodies is slidably engaged with the other body within the superposed area.

8. The portable telephone according to claim 7, wherein an auxiliary concavity is formed in a portion of one body having an operation plane exposed to outside the superposed area in the extended state, and an auxiliary convexity engaging in the auxiliary concavity is formed in a portion of the other body to prevent the two bodies from relatively rotating with these auxiliary convexity and concavity engaged with each other.

9. The portable telephone according to claim 8, wherein a wiring member providing an electrical connection between the two bodies is received in the auxiliary concavity.